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Attorneys for Plaintiff JOHN ALLEN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN ALLEN

Plaintiff,

v.

HOMEQ SERVICING INC.,
DOES 1 TO 50,

Defendant.

ACTION NO: C-08-03798 MMC

**NOTICE OF MOTION AND MOTION
TO REMAND ACTION TO STATE
COURT (28 U.S.C. §1447 (c))**

Date: October 10, 2008

Time: 9:00 a.m.

**Location: Courtroom 7, 19th Floor
450 Golden Gate Ave.
San Francisco, CA 94102**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on , 2008 at 9:00 a.m., or as soon

thereafter as the matter can be heard, in Department 7 of this Court, located at 450
Golden Gate Avenue, San Francisco, CA 94102, Plaintiff John Allen ("Allen") will,
and hereby does, move this Court for an Order remanding the above-entitled action
to state court. This motion is made on the ground that the Court does not have
jurisdiction over this matter because defendant Homeq Servicing Inc ("Defendant") has
failed to prove that the amount in controversy in this action exceeds \$75,000.

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1 This motion will be based on this notice, the memorandum of points and
2 authorities, the declaration of Shawn Ridgell, and on all the evidence, both oral and
3 documentary, which shall be presented at the hearing of the motion.

4 Dated: August 27, 2008

RIDGELL & LAWLOR LLP

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7 By: _____
8 Shawn Ridgell
9 Attorneys for Plaintiff
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